

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AUSTIN BROOKS HEALY,

Defendant.

CR 08-122-GF-BMM

ORDER

This case was referred to United States Magistrate Judge Keith Strong for a revocation hearing and findings and recommendations. Judge Strong entered his findings and recommendations on May 21, 2014. Defendant admitted he had violated Special Condition 3 of his supervised release by consuming alcohol, and admitted he had violated the Preamble to the Standard Conditions by possessing a knife. Judge Strong found the admissions sufficient to establish the supervised release violations. He recommended that this Court revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of imprisonment of 12 months and one day, with 24 months of supervised release to follow.

No objections were filed by either party. Judge Strong's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Strong's findings. Defendant admitted that he violated both Special Condition 3, and the Preamble to the Standard Conditions. Defendant could be incarcerated for up to 24 months, followed by 36 months of supervised release, less any custodial time imposed. The United States Sentencing Guidelines call for a term of imprisonment of 6 to 12 months. The term of custody recommended by Judge Strong is appropriate because the release violations involve actual or threatened violence while Defendant was intoxicated. A custodial term of 12 months and one day will allow Defendant to earn good time credit while incarcerated. A lengthy period of supervision is appropriate because it will provide Defendant the support and structure needed to address his alcohol abuse problem.

IT IS ORDERED that Judge Strong's Findings and Recommendations (Doc. 38) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 11th day of June, 2014.



Brian Morris
United States District Court Judge